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Epistemic Norms and ‘He Said/She Said’ Reporting

(Forthcoming in *Episteme*)

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Abstract

This paper discusses the permissibility of exclusively relying on a procedural objectivity model for news reporting, from the perspective of the normativity of informative speech acts. It is argued that, with the exception of urgency situations, the paradigmatic application of procedural objectivity is in breach of the relevant norms.

1. Introduction

Traditionally, objectivity in collecting and delivering information to their audience figures on the top of the list of values that should be observed by journalists. Recently, though, a number of authors² take it that traditional understandings of journalistic objectivity are in need of rethinking if they are to sustain ethical action.

As such, they challenge the traditional claim to ‘substantive objectivity’ – roughly put, aiming towards getting and delivering the truth – as being epistemologically implausible, by presupposing a ‘view from nowhere’, a ‘non-perspectival perspective’. Furthermore, ethical concerns have been put forward³ as to the potentially authoritarian connotations of the concept.

The thought is not to abandon the concept altogether, however, but to redefine it; in recent years, one proposal that enjoys a significant degree of popularity in media studies is that practitioners should rather aim towards ‘procedural objectivity’. That is, roughly, traditional epistemic values like truth are now to be replaced by fairness or balance.

One aspect of procedural objectivity translates into what is usually referred to in the literature as ‘He Said/She Said reporting’; roughly, the procedure involves

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² E.g. Hildebrand (2010), Hirst and Patching (2005), Ward (2006).

³ E.g. (Poerksen 2011).

quoting left-wing politician A, and then quoting right-wing politician B, about subject matter X. The thought is that, by presenting competing voices, the journalist informs the reader about a particular controversy without thereby presenting her own take on the truth value of the statements of either politician A or politician B.

There is, of course, comfort in this formula for the practitioners; the reporter never risks being wrong. Also, at least at first glance, it looks as if procedural objectivity ensures a fair treatment of the sources.

However, several specialists have expressed worries with regard to procedural objectivity only obscuring issues and frustrating political accountability; it is argued that reporters' comfort comes at the expense of public understanding of what is factual and what is not and of who is responsible for what.⁴

The paradigm case quoted in support of these objections is the so called 'Sarah Palin's death panels'. In short, in August 2009, Sarah Palin writes on her blog: "The America I know and love is not one in which my parents or my baby with Down Syndrome will have to stand in front of Obama's 'death panel' so his bureaucrats can decide whether they are worthy of health care" (Lawrence and Schafer 2010, 676). More than 60 percent of the mainstream American media channels present the piece of news merely in a He Said/She Said format, by also citing sources from the opposite camp – Obama's chief of staff, or even Obama himself – accusing Palin of misleading the voters; on the 12th of August, for instance, LA Times cites Barack Obama taking the stand on the issue: "There are no such measures in any of the bills under consideration".

Palin's claim turns out to be false: there was nothing even close to the procedure Palin referred to in Obama's proposal. However, one poll released a month later reported that 30 percent of the interviewees believed that the proposed health care legislation would "create death panels." Furthermore, the same survey found that the percentage calling the claim true among those who said they were paying very close attention to the health care debate was significantly *higher* than among those reporting they were not following the debate too closely. As such, it is argued, He Said/She Said reporting seems to come with the risk of producing wide spread false beliefs in the audience (Lawrence and Schafer 2010, 778).

Another worry often expressed in the literature is that the practice of presenting both sides of the story without checking the facts renders both the journalists and the public more vulnerable to propaganda. Furthermore, studies also suggest that it may contribute to declining "epistemic political efficacy" (Pingree, 2011), that is, a diminished confidence among citizens in their ability to separate truth from fiction.

This paper is concerned with looking into the permissibility of He Said/She Said reporting from the perspective of the normativity of informative speech acts. To this

⁴ See, e.g. (Rieder, 2007), (Sparrow, 1999), (Pingree, 2011).

effect, I will first put forth what I hope to be a fairly uncontroversial normative scheme (§2); I will argue that, when it comes to news reporting, one can distinguish at least two main sources of ethical obligation stepping in: a prudential and an epistemic one. As such, in section (§3) I will discuss how requirements stepping in from both sides affect the propriety of He Said/ She Said informative speech acts. I will argue that it is only in urgency situations that He Said/She Said is, all-things-considered, proper reporting.

2. Norms for Reporting

Let us start by identifying the relevant normative framework. Reporting is an informative speech act. By this I mean an act primarily aimed at informing the hearer that proposition p is the case. Performing an informative speech act with content p is a particular way of telling that p . One can tell some hearer that p to various purposes: I can tell you that the weather is nice in order to make polite conversation, I can tell you that your shoes are out of fashion in order to offend you, etc. In the case of informative speech acts, the speaker S tells the hearer H that p in order to inform her that p .

In turn, telling someone that p is a particular species of asserting that p . One can assert that p for no audience whatsoever – say, by writing some thoughts in a diary – but that will not be an instance of telling. Also, if I whisper something when you are two blocks away from me and you can't hear me, again, I count as asserting that p but not as having told you that p . Thus, telling is, at least, asserting that p for an audience, with an uptake condition attached to it.

In the light of this, it looks as though, on a first approximation, we can think of reporting that p as being a particular species of asserting that p , with the following necessary characteristics: S reports that p only if 1) S asserts that p for at least one hearer H , 2) H uptakes⁵ S 's assertion, and 3) the purpose of S asserting that p is to inform H that p .

⁵ Notice that the uptake condition the speech act of reporting inherits from the more general speech act of telling can come in various shapes, and it is beyond the scope of this paper to offer an account in this respect (for a nice taxonomy of speech acts, including informative speech acts, see (Bach and Harnish, 1979, 39-57)). For instance, it is clearly not the case that I will count either as telling that p or as reporting that p if I just whisper that p when everyone is two blocks away and can't hear me, or if I write that p in my diary. However, it looks as if one can report that p by, for instance, by having a story about p published in a newspaper that, as it so happens, is never read by anyone.

As far as I can see, there are two available explanations for this intuition; one is that, in this case, the uptake condition is being met by the fact that the story is printed to begin with (after all, several people do take notice of it in the mere process of publication). Another way to go is to deny that this is a genuine instance of reporting and classify it as trial and failure to report, due to the lack of uptake.

Now, people in the literature notably disagree with regard to what the norm for epistemically proper assertion is. Many support a knowledge norm⁶ (KNA); that is, it is argued that one must: assert that *p* only if one knows that *p*.⁷ Although the view has a lot going for it,⁸ KNA is taken by some to be too strong a requirement. The most prominent competing account on the market imposes a weaker, justification norm on assertion, and has been notably put forth in (Douven 2006) and, in various incarnations, defended by Lackey (2008) and Kvanvig (2009). Roughly, the thought is that one should not assert *p* in the absence of justification for believing *p* (henceforth, JNA), where ‘J’ is taken to stand for the type of justification which, in favourable conditions, turns true belief into knowledge.⁹

For my purposes here, I need not enter this debate;¹⁰ in order for the argument this paper is making to go through, I will not need KNA; the weaker JNA will do just fine.

I will also take it that, apart from the JNA, assertion is also governed by Gricean (1989) conversational maxims:

Quality. Try to make your contribution one that is true;

Quantity. Be as informative as required;

Relation. Be relevant;

Manner. Be perspicuous; avoid obscurity and ambiguity, and strive for brevity and order.

That said, this paper will mostly focus on the maxims of Relation and Quantity;¹¹ that is because, given that we are talking about news reporting, relevance and informativeness requirements are plausibly going to be at work most of the time.

Also, this paper assumes that whatever norm applies to assertion also applies to the implicatures generated by it. Elisabeth Fricker (2012) brings several objections to this thought; while I find Fricker’s argument successful, I think that the case this

Again, though, I would leave it to speech act theorists to go more into detail about what the uptake condition on telling should be thought to consist of.

⁶ The locus classicus for the defence of KNA is (Williamson 2000). Among its main defenders also figure DeRose (2002), Hawthorne (2004), Turri (2011).

⁷ For the purposes of this paper, I am formulating KNA as stating a necessary condition for epistemically proper assertion. For accounts that take knowledge to also be sufficient for proper assertion, see (Simion 2015), (DeRose 2002), (Reynolds 2002) and, more tentatively, (Hawthorne 2004).

⁸ Classical data in support of KNA include: the paradoxical nature of assertions of the form ‘*p* but I don’t know that *p*’, the fact that assertions can be challenged by the question ‘how do you know that *p*’, and the intuitive impropriety of asserting lottery propositions.

⁹ For this, see Gettier (1963)

¹⁰ I have defended KNA in several places. See, for instance, (Simion, Forthcoming) for a defence of the necessity claim and (Simion, 2015) for a defence of the sufficiency claim.

¹¹ See, also, Wilson and Sperber (2004) for an alternative account.

paper is making is not affected by it. Here is why: roughly, Fricker takes it that we might not be able to hold the speaker responsible for lack of warrant for the generated conversational implicatures, because in many contexts it is not clear whether the hearer gets the implicature right. I agree with this; however, importantly, in the institutional context of news reporting that p , the implicatures regarding, for instance, the relevance of p , or the fact that p is all the reporter can say about the subject matter, need not be ‘guessed’ by the hearer, as they are generated by the institutional context itself. Conventionally, that is, news bulletins are there to give us all available information about matters that are relevant to us – given, of course, limitations of space and time.¹² Therefore, we need not guess that this is the case, we are at liberty to assume it.

In addition, I will also take it that, in light of its being an action, assertion will also be governed by several other norms governing actions in general; prudential norms will be the most obvious candidates. These might come in conflict with and override the epistemic norm. Take, for instance, playing chess. Prudentially, it might be worth moving the rook diagonally if, say, I am under gun threat and that is what I have to do in order to stay alive. However, clearly, I will have violated the particular norms governing chess playing.

In the light of this, it might be that, by other norms stepping in, being in the epistemic position required by JNA for asserting that p is too strong a requirement, all-things-considered. Similarly to the chess case, in the absence of any other stronger requirements, if my life is at stake, I will assert whatever is required for staying alive, no matter how unwarranted my assertion might be. So the prudential concerns of the speaker can override the epistemic requirements and affect the all-things-considered propriety of assertion. Also, when the assertion will be directed towards a hearer H , plausibly, H ’s prudential concerns will act in a similar way. This will, for instance, be the case in urgency situations. Suppose that I, knowing that it is urgent for you to get to your destination, shout “That is your train!” upon seeing a train approach the station (Williamson 2000). That looks like the prudentially right thing to do, even though I do not have knowledge-level justification to think that it is your train; I merely believe that it is likely so.

Do notice though that it is the prudential constraint that makes my action permissible: it is in view of the prudential goal of maximizing your chances of catching your train that my assertion is permissible, not in the light of the epistemic goal of getting at truth.

In the light of all this, let us see now what happens in the normativity of reporting. First, we have seen that, by being a species of telling, reporting will always be

¹² In support of this, see, for instance, (McKanne 2006, chapter 1) for an extensive discussion about what makes the news. See also (Grice 1989) for a distinction between mere conversational and conventional conversational implicatures.

directed towards, and, in turn, affect an audience. As such, it is plausible that, apart from the epistemic norm governing assertion and the prudential concerns of the speaker, the prudential concerns of the audience will affect the all-things-considered propriety of reporting too.

In sum, the all-things-considered propriety of an instance of reporting that *p* will be affected by (at least) requirements pertaining to: 1. the epistemic norm for proper assertion, 2. The Gricean maxims 3. *S*'s prudential concerns and 4. *H*'s prudential concerns.

3. He Said/She Said

In what follows, I will apply the framework sketched in the previous section; the aim is to see whether there is anything in the framework that makes He Said/She Said reporting impermissible.

Notice, first, that what a particular person *A* says about matter of fact¹³ *X* can constitute a piece of news in two major ways: (i) directly, by informing the reader about fact *X* itself, or (ii) indirectly, by informing the reader about person *A*'s moral/social/political etc. profile, in the light of her statements about *X*, which, in turn, can be informative for, say, predicting how she would act if she were to be elected for office etc.

Notice also that the latter will only constitute a genuine piece of news granted that (ii.1) *A* is a person of interest for the audience in a way that turns data about the quality of *A*'s profile into an interesting piece of news, and, crucially (ii.2) the audience either already has (shared background) or, alternatively, is offered independent information as to the truth or falsity of the content of that person's testimony, so as to be able to judge her moral/social/political profile. I take it that (ii.1) is fairly uncontroversial; to see why (ii.2) is the case, notice that, no matter how prominent person *A* is, informing one's audience about *A*'s beliefs about the world in the absence of independent information about their truth value will not make the proper subject of a news bulletin, but, if at all, of a profile feature story. In support of this, here is Anna McKane on 'personalizing' the news, i.e. presenting stories in terms of what people have to say about the subject matter:

Politics is often seen as a clash between individual party leaders {...}. This is often the way news is reported now [...]. The fact remains, though, that *it is [...] the*

¹³ Give that, arguably, discussions pertaining to the normativity of news reporting can afford this restriction, I would like to restrict this argument such that reportings about matters of aesthetic taste, moral issues, predictions and the like, due to the controversies surrounding the corresponding truth claims, will not make the subject of this paper. See e.g. Lackey (2013) for a related discussion.

conflict in Iraq itself which is the essence of the news (emphasis added); the personalization is *simply a way of illustrating* that story (emphasis added) (McKane 2006, 6).¹⁴

Secondly, notice that, in cases where there is access to the relevant data, it might be that it is not trivial to get there. In some cases, of course, the journalist will just have to make a phone call to a very reliable source in order to check the facts. In many cases, however, research into a particular matter of fact might take weeks.

Also, thirdly, in the light of the prudential constraints stepping in, a particular urgency rating will be attached to each piece of news.¹⁵ Reporting to the fact that the circus is in town will most likely come with a lower urgency rating than, for instance, a piece of news about the main bridge in town being on the verge of collapsing.

As such, it is important to distinguish between situations where the accessibility of the relevant data matches the urgency rating, and situations in which this is not the case. Roughly put, it might be that the time needed for the journalist to access the data does not exceed the urgency of delivering the piece of news (henceforth, Match), or that the opposite is the case (Non-Match).

That being said, let us see how these three factors interact with the normativity of informative speech acts, and what can be said about the propriety of He Said/She Said reporting in the light of this.

3.1 Match

Let us first look at what happens when there is no prudential constraint there to override the epistemic norm for proper reporting (what we have labelled Match above). That is, when the time frame needed for the reporter to get a hold of the

¹⁴ Notice, also, that when it comes to ‘he said/she said’ reporting, the fact itself that both opposite camps are cited on subject matter *p* suggests that the subject of the piece of news is *p* rather than the profile of one of the cited parties.

¹⁵ One interesting question is, of course, what should and what should not enter the calculus of the urgency rating of a piece of news to begin with. At a first glance, we should expect the urgency rating to mirror the public interest of the story, how important it is for the public to have the relevant piece of information and how soon does it need to be delivered to the best interest of the public. Thus, the prudential concerns of the audience will play an important part in calculating the urgency rating. One substantive ethical question, however, is to what extent should matters pertaining to the prudential interests of the reporter herself, or the media channel she represents, partake in the relevant urgency calculus; may, for instance, the likelihood that a competing media channel might come across and distribute the relevant piece of news affect its urgency rating? These are important questions, and neither the scope of this paper nor the space permit properly diving into them. For discussion, see, for instance, (Foreman 2010).

relevant data does not exceed the time frame available given the urgency rating of delivering the relevant piece of news.

Say we are weeks away from the elections day and Sarah Palin writes on her blog *p*: “Obama’s health policy will oblige people with serious illnesses to stand before a ‘death panel’ and argue for their right to medical assistance’. Also assume that it would only take a few days for the reporter R to actually check Obama’s policy to see whether what Palin says is true. However, instead of doing the research, R calls Obama’s chief of staff; the latter contradicts Palin’s claim, and R goes live and reports that *q*: Palin says that *p*, but Obama’s chief of staff says that *non-p*.

Now notice that, according to Relevance and Quantity, the audience is hereby entitled to assume that:

1. *q* is relevant to the context of utterance, which is news reporting. So it is either relevant for whether *p* is true, or for Sarah Palin’s/Obama’s chief of staff moral profile. Given that the audience is not presented with any additional information regarding the truth or falsity of *p*, it cannot be that *q* is relevant to the moral profile of the relevant testifiers. So it must be that it is relevant for the truth of *p*.
2. *q* is in accordance with Quantity; that is, *q* is all the reporter can say about the subject matter given the urgency rating attached to this particular piece of news.

If these are the implicatures generated, however, it becomes clear that, in this particular situation, He Said/She said reporting is, indeed, both epistemically and all-things-considered problematic.

The reporter has no justification for either of them. To see this, notice that the testimony of both Palin and the chief of staff come with serious defeaters: they are both plausibly interested in obscuring the truth about *p* to their own advantage. Notice that this is not to say that one has to discount the testimony of every speaker who has something to gain from saying what they do. If, for instance, I tell you that I like dark chocolate in the hope that you would buy some for me, my testimony seems perfectly worthy of trust. Notice, though, that in the Palin case we are dealing with speakers who (notably) both have a great deal to earn from *lying*, not from merely testifying.¹⁶

To see why this speech act is in breach of JNA, note that the defeaters at play are undercutting, i.e. they are reasons to believe that the relevant ground for believing *p*

¹⁶ Notice, also, that the fact that Palin or Obama’s chief of staff might be reliable testifiers in general, or, furthermore, that the reporter on case might know either of them to be a reliable testifier, would not do much to avoid turning their interest in lying on this particular occasion into a serious defeater. To see this, consider, for instance, your otherwise extremely reliable biology teacher. Say you find out someone offered her one million dollars for lying to you about the time the natural history museum will open tomorrow. Surely you are not justified in believing her when she tells you the museum will open at 11AM.

is not indicative of the truth of p . As such, they render the two testimonial sources unable to offer support for either p or not p .¹⁷ If that is the case, it looks as though, even on the weakest account of testimonial justification, R is not justified in believing their testimony is in any way relevant to whether p is true.

Furthermore, given that, by assumption, the access to the relevant data is relatively smooth (Match), the implicature as to q being all the reporter can say about the subject matter given the urgency rating is plainly false. Also, the reporter himself is justified in believing the contrary.

3.2 Non-Match

Let us now look at what happens when urgency considerations step in and override the epistemic norm. That is, when the time frame needed for the reporter to get at the truth about p exceeds the time frame available due to the urgency rating of delivering the piece of news.

Let us say that the elections are tomorrow, and Sarah Palin writes that p on her blog, while Obama's chief of staff testifies as to non- p . Like before, R goes live and reports that q : Palin says that p , but Obama's chief of staff says that non- p . And again, for the reasons presented above, and according to Relevance and Quantity, the audience is hereby entitled to assume that:

- (1) q is relevant to for the truth of p .
- (2) q is all the reporter can say about the subject matter given the urgency rating attached to this particular piece of news.

Notice, though, that in this case, the all-things-considered propriety of reporting that q changes dramatically. First, with regard to (2), JNA is respected. R is perfectly justified to believe that, given that it would take her several days to get access to the relevant data, q is all she can say about the subject matter in this short time frame.

Second, in what (1) is concerned, although R is in breach of JNA, similarly to the 'train' case, her speech act is all-things-considered proper, due to prudential requirements stepping in. To see this, imagine a situation in which an expert engineer

¹⁷ One could worry that it is still not clear why this speech act needs be in breach of JNA. After all, can't relevance be quite minimal, e.g. would it not suffice if the probability that p conditional on Palin saying that p increases, even if only marginally? Notice, though, that, at least when it comes to communication, relevance seems to be more a matter of quality rather than quantity; Here are Wilson and Sperber (2004, 253) on this: "While quantitative notions of relevance can be worth exploring from a formal point of view, it is the comparative rather than the quantitative notion that is most likely to provide the best starting point for a psychologically plausible theory". To see this more clearly, note that even if, for instance, the fact that I had eggs this morning, due to some weird chemical reaction, marginally raises the probability of my wearing my red dress tonight, it is still hardly conversationally proper to tell you I had eggs this morning when you ask me what I'm going to wear tonight. For different accounts of explanatory relevance, see (Woodward 2014).

E1 calls R and tells him that the bridge in centre town, which is taken daily by thousands of people on their way to work, is about to collapse. Due to the urgency of the situation, R only has time to call expert E2 and ask what he thinks about this. E2 claims that what E1 says is false. Now say that neither E1 nor E2 are amongst the most reliable of R's sources; however, as it so happens, they are the only bridge experts in town.

Surely, if R, as a good JNA follower, abstains from mentioning anything about this to his audience, and the bridge does collapse and kills thousands of people, we would find R's decision to withhold information all-things-considered improper.¹⁸ Just like in the train case, the epistemic requirement is overridden here by the prudential constraints stepping in.

With regard to this though, some qualifications are needed. The literature (e.g. (Zimmerman 1997)) distinguishes between direct and indirect blameworthiness for performing an action. One is indirectly blameworthy for something x , if and only if one is blameworthy for it by way of being blameworthy for something else, y , of which x is the consequence.

One could be indirectly blameworthy for performing an action out of ignorance, for instance, by being directly blameworthy for being ignorant. On a similar line of thought, it looks as if, in many cases, although not, strictly speaking, in breach of the norm – again, it looks as if the piece of news about the bridge just needs to be out there as soon as possible – this does not imply that the respective reporter or leadership of media channel walks free of blame.

To see this, consider a situation in which the only reason why our reporter only has two unreliable sources at his disposal on the bridge issue is because he is lazy and did not bother to insure a proper source net for himself. A good reporter should cultivate reliable sources. Thus, surely, although not in breach of the norm for this particular instance of reporting, our reporter is blameworthy for being in this poor epistemic situation to begin with.

Or say that, in fact, more sources would have been available, but there was no time for the only reporter in charge to call them all; and all this, due to the fact that the cheap owner of the media channel was not willing to pay for having more than

¹⁸ One might wonder whether a panic response is really necessary when it comes to mainstream media; after all, isn't the blog industry there to do just that, i.e., to offer unverified fast piece of information? Shouldn't mainstream media act as a watch dog and not go on air unless the information is properly verified?

Notice, though, that while this is definitely the case in Match situations, Non-Match suggests that the 'watchdog' role of the mainstream media itself will require taking a stance on the issue. After all, if rumors about the instability of the bridge flood the internet, most people will turn to mainstream media for clarification, which renders taking no stance on the issue confusing, to say the least. Furthermore, the media channel in question has a responsibility to keep its audience informed independently of what other sources the latter might make use of – if any.

one reporter on call. Again, it looks as though there is indirect blameworthiness on the part of the ownership at stake here, in spite of the fact that delivering this particular piece of news is in no breach of the relevant norms.

4. Conclusion

This paper has looked into the propriety of He Said/She Said reporting from the view point of the normativity of informative speech acts. I have argued that, as a species of telling that, informative speech acts will be governed by norms pertaining to: 1) the epistemic propriety of assertion, 2) Gricean conversational maxims, 3) the prudential concerns of the speaker, and 4) the prudential concerns of the hearer. On this scheme, He Said/She Said reporting turned out to only score all-things-considered good in urgency situations, where the available time frame does not permit the reporter to check into the state of the world herself. When there is no prudential constraint there to override the epistemic norm for proper reporting, however, He Said/She Said was shown to be in breach of the relevant norms.

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